

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
<i>Plaintiff,</i>)	
v.)	CASE NO. 3:05-CR-148-02
)	
DENNIS RICHARDSON)	
)	
<i>Defendant.</i>)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 and 788 to the United States Sentencing Guidelines [R. 604]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 606]. The defendant is presently scheduled for release on August 4, 2020.


The defendant was convicted of conspiring to distribute and possession with intent to distribute at least five kilograms of cocaine, in violation of 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(A). At sentencing, defendant's base offense level was 38, with a criminal history category VI, resulting in an advisory guideline range of 292 - 365 months, which was restricted by an enhanced mandatory minimum of life imprisonment. However, the United States filed a motion for downward departure pursuant to 18 U.S.C. § 3553(e) in light of defendant's substantial assistance. Defendant was thus sentenced to 198 months followed by 10 years of supervised release on March 25, 2008.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 36, with a criminal history category VI, resulting in an amended guideline range of 262 - 327 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 604] is **GRANTED**, and the defendant's sentence is **reduced to 176 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated March 25, 2008 shall remain in effect. **The effective date of this order is June 28, 2016.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE